

CHAPTER 2
GENERAL OFFENSES

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§8-2-1: FIREARMS, WEAPONS:

(A) Discharge Prohibited:

No person shall discharge or set off any rifle, shotgun, pistol, revolver or any other gun that discharges projectiles either by air, spring, explosive substance or any other force, within this Village. (Ord. 68-23.2, 9-16-1968)

(B) Exceptions:

1. The provisions of this Section shall not apply to sheriffs, coroners, constables, members of the police force or other peace officers engaged in the discharge of their official duties, or to any person summoned by any such officers to assist in making arrests or preserving the peace while such person so summoned is engaged in assisting such officer, or to any person acting in the lawful defense of any person or property.
2. The provisions of this Section shall not apply to prohibit the use of ram-set nail devices or other similar explosive devices in common use by the construction industry while used in construction activity within the Village limits.

(Ord. 68-23.1, 3-18-1968; amd. 2014 Code)

§8-2-2: DISORDERLY CONDUCT:

(A) A person commits disorderly conduct when he knowingly:

1. Does any act in such unreasonable manner as to provoke, make or aid in making a breach of the peace.
2. Does or makes any unreasonable or offensive act, utterance, gesture or display which, under the circumstances, creates a clear and present danger of a breach of the peace or imminent threat of violence.
3. Refuses or fails to cease and desist any peaceful conduct or activity likely to produce a breach of the peace where there is an imminent threat of violence and where the police have made all reasonable efforts to protect the otherwise peaceful conduct and activity, and have requested that said conduct and activity be stopped and explained the request, if there is time for such explanation.
4. Fails to obey a lawful order of dispersal by a person known by him to be a peace officer under circumstances where three (3) or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm.
5. Assembles with three (3) or more persons for the purpose of using force or violence to disturb the public peace.
6. Appears in any public place manifestly under the influence of alcohol, narcotics or other drugs, not therapeutically administered, to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity.
7. Carries in a threatening or menacing manner, without authority of law, any pistol, revolver, dagger, razor, dangerous knife, stiletto, knuckles, slingshot and objects containing noxious or deleterious liquid, gas or substance or other dangerous weapon or conceals said weapon on or about the person or vehicle. (Ord. 70-53, 6-15-1970)
8. Cuts, injures, marks or defaces any property, public or private, including, but not limited to, any building, tree, grass, shrub, road or walkway, without the consent of the owner. (Ord. 71-53.1, 4-9-1971)

§8-2-3: VANDALISM:

(A) Definitions:

As used in this Section:

LEGAL GUARDIAN: A person appointed guardian or given custody of a minor by a Circuit Court of the State, but does not include a person appointed guardian or given custody of a minor under the Juvenile Court Act.

MINOR: A person who is above the age of eleven (11) years but not yet nineteen (19) years of age.

(B) Injury to Property:

It shall be unlawful for anyone to willfully or maliciously injure, deface, destroy or interfere with any property belonging to the Village, other governmental body or any private person.

(C) Parental Responsibility:

The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary, to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the following described acts with the knowledge and permission of the parent or guardian, in violation of this Section:

An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance of the Village, law or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another governmental agency resulting from an admission of guilt of violation of this Section or any other Village ordinance, law or statute which prohibits willful and malicious acts causing injury to a person or property; provided, however, that said parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service with a certificate of personal service returned, from the Police Department of the Village following said adjudication or non-judicial sanction, and providing further that at any time within one year following receipt of said notice, said minor is either adjudicated to be in violation of any Village ordinance, law or statute as described herein, or shall have incurred non-judicial sanctions from another governmental agency resulting from an admission of guilt of violation of any Village ordinance, law or statute as described herein. (Ord. 76-126, 1976)

(D) Damages and Penalties:

Any person violating the provisions of this Section shall pay the actual damages resulting therefrom, but not exceeding the limit provided by statute provisions. And, in addition, shall be fined not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00). (Ord. 2003-008, 5-19-2003)

§8-2-4: LIQUOR REGULATIONS:

8-2-4-1: Sales Restricted:

Except as permitted by this Section 8-2-4, no person shall engage in the business of or act as a liquor dealer selling, offering for sale or keeping with the intention of selling for use or consumption and not for resale in any form, alcoholic liquor capable of being consumed as a beverage by a human being in the Village. (Ord. 01-474, 4-2-2001)

8-2-4-2: Definitions:

All words and phrases used in this Section 8-2-4 which are defined in “An Act Relating to Alcoholic Liquors”, as amended, shall have the same meaning accorded to such words and phrases in said Act. (Ord. 01-474, 4-2-2001)

8-2-4-3: Liquor Control Commissioner:

The Village President shall act as Liquor Control Commissioner for the Village. (Ord. 01-474, 4-2-2001)

8-2-4-4: Application for License:

An applicant for a retail liquor license from the Village shall submit to the Liquor Control Commissioner an application in writing under oath on a form provided by the Village Clerk. (Ord. 01-474, 4-2-2001)

8-2-4-5: Referral of Application, Investigation, Recommendation:

The Liquor Control Commissioner shall cause a copy of the license application to be forwarded promptly to each Village Trustee and to the Chief of Police of the Village. The Chief of Police shall investigate the applicant to determine the accuracy of the information provided in the application and shall provide to the President and Board of Trustees a report of such investigation, which shall include a recommendation of whether he finds the applicant qualified to hold a license pursuant to the provisions of this Section 8-2-4. (Ord. 01-474, 4-2-2001)

8-2-4-6: Persons Not Entitled to License:

No licenses required by this Section 8-2-4 shall be issued to any person not entitled to hold a liquor license from the State of Illinois. (Ord. 01-474, 4-2-2001)

8-2-4-7: Temporary Licenses:

No retail licenses for the sale of alcoholic liquor shall be issued by the Village President as the Liquor Control Commissioner, other than temporary licenses as hereinafter described, unless this Code is further amended to so provide.

A temporary license, for a period of not to exceed four (4) days, shall be issued by the Liquor Control Commissioner only to a municipal, religious, or not-for-profit corporation or a not-for-profit corporation or association, which corporation or association shall have been organized for objects and purposes other than the sale and/or consumption of alcoholic liquor and shall have been organized for at least two (2) years prior to the date of the application for a license. All such applications shall state the time period for which the license shall be applicable, the proposed location, shall state whether the license is for an outdoor and/or an indoor location, and whether such location shall be on private or Village property. Such a special license shall authorize the retail sale of alcoholic liquor by the specified entity, at a picnic, outing, festival or other such similar special occasions for consumption on the premises or within the area specifically designated in such license. The fee for such a special license shall be twenty five dollars (\$25.00) per day but no separate application fee shall be charged. Not more than four (4) such special licenses shall be issued in any calendar year to any one applicant. No such special license shall be issued until the Village President has received evidence that the applicant shall have satisfactory dram shop and liquor insurance in effect during the period for which each such special license shall be issued and in effect.

(Ord. 01-474, 4-2-2001; Amd. Ord. 2014-09, passed 10-20-2014)

8-2-4-8: Powers and Duties of Liquor Control Commissioner:

The Liquor Control Commissioner shall also have the following powers, functions and duties with respect to retail licenses for the sale of alcoholic liquors:

- (A) To grant or suspend for not more than thirty (30) days, or revoke for cause, all local licenses issued to persons or entities for premises within the Village.
- (B) To enter, or to authorize any law enforcing officer to enter, upon the premises licensed hereunder to determine whether any of the provisions of this Section 8-2-4 or of "An Act Relating to Alcoholic Liquors", as amended, or any rules or regulations of this Code or of the Illinois Liquor Control Commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith.
- (C) To receive complaint from any citizen within his jurisdiction that any of the provisions of "An Act Relating to Alcoholic Liquors", as amended, or any rules or regulations of this Code or of the Illinois Liquor Commission have been or are being violated and to act upon such complaints in the manner hereinafter provided.
- (D) To receive local license fees and pay the same forthwith to the Village Treasurer.
- (E) The Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided; and to examine, or cause to be examined the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any information desired by the Local Liquor Control Commissioner under this Section, he may authorize his agent to act on his behalf.
- (F) The Liquor Control Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of "An Act Relating to Alcoholic Liquors", as amended, or of any valid ordinance or resolution adopted by the board of trustees of the Village or any provisions of this code or applicable rules or regulations established by the Liquor Control Commissioner which are not inconsistent with law. However, no such license shall be so revoked or suspended except after a public hearing by the Liquor Control Commissioner with a three (3) day written notice to the licensee affording said licensee an opportunity to appear and defend; provided, however, that if the Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses. The Liquor Control Commissioner shall, within ten (10) days after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the said ten (10) days upon said licensee. The said licensee, after the receipt of such order of suspension or revocation, shall have the privilege within a period of twenty (20) days after the receipt of such order of suspension or revocation, of appealing said order to the

Illinois liquor control commission, and upon the filing of such an appeal by the licensee, he may resume his business until such time as said commission shall render a decision either sustaining the order of the Liquor Control Commissioner or reversing said order. (Ord. 01-474, 4-2-2001)

8-2-4-9: Hours of Sale:

No person licensed hereunder as a retailer of alcoholic liquor shall sell, permit to be sold, or give away any alcoholic liquor between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M., each day of the week, including Sunday, provided, however, the Liquor Control Commissioner shall have the authority to further limit the hours of operation of any temporary license. (Ord. 01-474, 4-2-2001)

8-2-4-10: Sale Only at Licensed Premises:

No liquor shall be sold, offered for sale, kept for sale, displayed or advertised for sale at retail or delivered to any person purchasing the same at retail, except at a location, place or premises described in a license duly issued by the Liquor Control Commissioner. (Ord. 01-474, 4-2-2001)

8-2-4-11: Restrictions and Prohibitions:

- (A) For purposes of this Section, the term "underage person" is defined as a person under twenty-one (21) years of age.
- (B) No underage person may purchase, receive, accept, have in his or her possession or control, or consume any alcoholic beverages, except as provided in subsection (D) of this Section.
- (C) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to an underage person, except as provided in subsection (D) of this Section.
- (D) Nothing contained in this Section 8-2-4 shall be construed to prohibit or be applicable to the possession and/or consumption by an underage person under the direct supervision and approval of the parents or parent of such underage person in the privacy of a home, and nothing contained in this Section 8-2-4 shall be construed to prohibit or be applicable to underage persons who are either participating in a bona fide religious service or ceremony, or acting at the direction of a law enforcement officer.
- (E) No alcoholic liquor shall be served, sold, consumed, or possessed on Village Property unless a temporary license as provided and authorized by Section 8-2-4-7 of this Title has been issued by the Liquor Control Commissioner to authorize such activity.

(Ord. 01-474, 4-2-2001; Amd. Ord. 2014-09, passed 10-20-2014)

§8-2-5: RESISTING OR OBSTRUCTING A PEACE OFFICER:

A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer of any authorized act within his official capacity commits an offense under this Code. (Ord. 80-191, 10-20-1980; amd. 2014 Code)

§8-2-6: CRIMINAL DAMAGE TO PROPERTY:

- (A) Criminal Damage to Property: A person commits a violation of this Village Code when he or she:
1. Knowingly damages any property of another, where the damage does not exceed One Hundred Fifty Dollars (\$150.00); or
 2. Recklessly by means of fire or explosive damages property of another, where the damage does not exceed One Hundred Fifty Dollars (\$150.00); or
 3. Knowingly starts a fire on the land of another, where the damage does not exceed One Hundred Fifty Dollars (\$150.00); or
 4. Knowingly injures a domestic animal of another without his consent, where the damage does not exceed One Hundred Fifty Dollars (\$150.00); or
 5. Knowingly deposits on the land or in the building of another any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building.
- (B) Criminal Defacement of Property: A person commits a violation of this Village Code when the person knowingly damages the property of another by defacing, deforming, or otherwise damaging the property by the use of paint or any other similar substance, or by the use of a writing instrument, etching tool, or any other similar device, where the damage does not exceed One Hundred Fifty Dollars (\$150.00). It is an affirmative defense to a violation of this subsection that the owner of the damaged property consented to such damage.

(Ord. 2014-12, passed 11-17-14)

§8-2-7: CRIMINAL TRESPASS TO REAL PROPERTY:

- (A) A person commits a violation of this Village Code when he or she:
1. Knowingly and without lawful authority enters or remains within or on a building; or
 2. Enters upon the land of another, after receiving prior to such entry, notice from the owner or occupant that such entry is forbidden; or
 3. Remains upon the land of another, after receiving notice from the owner or occupant to depart; or
 4. Presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land.
 5. This section does not apply to a peace officer or other official of a unit of government who enters a building or land in the performance of his or her official duties.
- (B) Except as otherwise provided in this section, whoever enters upon any of the property of another in or on a motor vehicle (including but not limited to any off-road vehicle, all-terrain vehicle ("ATV"), motorcycle, dirt bike, moped, or any other powered two-wheel, three-wheel, or four-wheel vehicle) after receiving, prior to that entry, verbal or written notice from any property owner or occupant of such land, or their agent, that entry is forbidden, or remains upon such property or in the area of such property after receiving notice from the property owner or occupant to depart, commits a violation of this Village Code. For purposes of this subsection, the word "vehicle" has the same meaning as provided under Section 1-217 of the Illinois Vehicle Code.

(Ord. 2014-12, passed 11-17-14)

§8-2-8: CRIMINAL DAMAGE TO PUBLIC PROPERTY OR PROPERTY SUPPORTED WITH PUBLIC FUNDS:

Any of the following acts is a violation of this Village Code when the damage to property does not exceed One Hundred Fifty Dollars (\$150.00):

1. To knowingly damage any public property or property supported in whole or in part with public funds without the consent of the owner where the damage to the property does not exceed One Hundred Fifty Dollars (\$150.00);
2. To knowingly, by means of fire or explosive damage public property or property supported in whole or in part with public funds; or
3. To knowingly start a fire on public property or property supported in whole or in part without the consent of the owner; or
4. To knowingly deposit on land or in a public building or a building supported in whole or in part with public funds any stink bomb or any offensive smelling compound and thereby intend to interfere with the use by another of the land or building.

(Ord. 2014-12, passed 11-17-14)

§8-2-9: EXCESSIVE NOISE PROHIBITED:

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety with others within the Village or permit or allow their property to be used as the source for such noise.

(Ord. 2014-12, passed 11-17-14)